

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#21 / Dec 10 / 03
Mak
5/6/04

Re: Eliel Villa-Aleman

Serial No.: 09/578,662

Filed: May 25, 2000

For: LED Intense Headband Light Source for
Fingerprint Analysis

Examiner: Virginia M. Kibler

Group No.: 2623

Docket No.: 020092.00050 (SRS
99-053)

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

OCT 29 2003

Technology Center 2600

Dear Sir:

DECLARATION UNDER RULE 132

I, Eliel Villa-Aleman, inventor in the above-identified patent application, hereby declare that the following statements made by me are true and correct to the best of my knowledge and belief:

I. The Sci-Tec Publication Posted April 30, 1999

A. That in the statement in the Sci-Tec Publication (copy attached as Exhibit A) which reads as follows:

"Using devices developed by SRS scientist, investigators can ditch the light box for a small, helmet mounted blue light, Dr. Villa-Aleman said. By wearing goggles that block out all but fluorescent light, investigators can spot dusted fingerprints easily, he said", ...

no mention is made of LED's nor was there any disclosure at the demonstration that LEDs were used in the blue light. Blue lights useful for fingerprint analyses can be obtained from many other light sources with the aid of filters.

Furthermore, no one was given the opportunity to examine the blue light so that no member of the public could have determined what the blue light was.

In addition, the above news report relates to developing crime investigation tools in cooperation with law enforcement officers from the states of Georgia and South Carolina. One experimental device being developed by me was a light source for fingerprint detection. At that time the invention was in an experimental stage with the helmet and blue light representing a concept which had not been fully reduced to practice.

B. That before and after the date of April 30, 1999 work continued on further improvement and development of a satisfactory helmet mounted light and, particularly, this is demonstrated by the Exhibits described in paragraphs below in which:

1. Exhibit B is a Procurement Request Sheet showing that a fan and battery pack were being ordered on May 11, 1999 and May 17, 1999 with the resulting invoice dated May 18, 1999. These items were purchased in connection with my ongoing work after the April 30, 1999 date to solve the problem of heat buildup in the helmet light;

2. In Exhibit C the order for 100 LEDs is shown on a Digi-Key statement dated May 24, 1999 also demonstrating that I was actively working on improving and developing my invention; and

3. Exhibit D is an order to Allied Electronics for a power supply for the LEDs dated May 26, 1999.

C. That the Secrecy Agreement with the Georgia Bureau of Investigation dated June 11, 1999 (Exhibit E) shows that a program was underway with GBI to test my invention under actual conditions.

D. That the work done by the Georgia Bureau of Investigation was summarized in a report from Steven Foster to me dated September 23, 1999. (Exhibit F)

E. That at no time prior to May 25, 1999, which was one year prior to the filing of my patent application, had there been any sale or offer to sell of my invention.

F. That at the time the law enforcement officers gathered at Hopeland Gardens on April 29, 1999 I was confident that the make up and source of the "blue light" had not been disclosed and this was the reason for entering into the secrecy agreement in the above Exhibit E. The use of LEDs was first disclosed under the Confidential Agreement.

II. The Rios Reference

A. During the prosecution of my patent application, the application has been principally rejected on the Rios reference U.S. Patent No. 4,983,846. However, after examining the Rios patent there are certain distinctions which my invention has over the disclosure in Rios:

1. Rios requires filters 15 to produce the wavelength of the light required. (Column 3, line 46 et seq.) It is even stated at Column 3, lines 57-59 that the term 'filter' also includes the elements in an LED that creates a light source of specific wavelength. However, the LEDs used in my invention do not require filters and inherently emit light in the useful wavelength range. In fact Rios discourages one skilled in the art from using LEDs by stating:

"LEDs reduce the viewing area and have lower luminous intensity." (Column 3, line 43)


2. Rios does not disclose any manner in which the light source could be mounted on the body of a user much less on the helmet or cap of a user.

3. Rios does not mention nor suggest any light mounting except for his hand held device.

4. The device of Rios requires use of an intensifier 20 whereas my invention does not require the use of such.

5. In summary, it is my opinion that if Rios could have made a satisfactory light with LEDs he would have done so. I am "one skilled in this art" and the prophetic reference to LEDs does not make obvious to me how to install in the handgrip light of Rios any LEDs.

I do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the USC and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Eliel Villa-Aleman

Address:

400 Woodvale Ln
Aiken, SC 29801

Date: October 15, 2003